

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 47 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

VALLABHBHAI LAXMANBHAI ROY

Versus

STATE OF GUJARAT

Appearance:

MR BM MANGUKIYA for Petitioner
MR KT DAVE, AGP for Respondent No. 1
M/S MG DOSHIT & CO for Respondent No. 3, 7
MR YATIN SONI for Respondent No. 4
UNSERVED-REFUSED (R) for Respondent No. 5
MR HS MUNSHAW for Respondent No. 6

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 05/10/2000

ORAL JUDGEMENT

What is challenged in this petition under Article 226 of the Constitution is the order dated 28.12.1999 (Annexure "Q") passed by the Additional Development Commissioner partly allowing the appeal of respondent

No.4-Mrs Yamunaben Gopaljibhai Goti and remanding the matter back to the District Development Officer, Bhavnagar for considering the question of removal of respondent No. 4 from the office of President of Gariadhar Taluka Panchayat on the ground that she had an interest in a contract which was awarded for the purchase of stationery.

2. The District Development Officer had passed the order of disqualification on 24.8.1999 under Section 32 of the Gujarat Panchayats Act, 1993. Against the said order, respondent No. 4 preferred an appeal which came to be partly allowed as stated above. The matter was remanded to the District Development Officer, Bhavnagar, but the Court is informed that pursuant to the order of remand, the matter has not been heard by the District Development Officer on the ground of pendency of this petition. It also appears that in the meantime, the term of respondent No. 4 as President of the Taluka Panchayat has come to an end by efflux of time and in that case the proceedings could have been rendered infructuous, but Mr Mangukia for the petitioner submits that the question whether respondent No. 4 would be disqualified for a further period of five years would still survive if the District Development Officer were to confirm his original order under Section 32 of the Act.

3. In view of the above, without expressing any opinion on the merits of the controversy between the parties, the petition is dismissed and the District

Development Officer, Bhavnagar shall consider the matter in accordance with law expeditiously and within a period of three months from the date of receipt of the writ of this Court or a certified copy of this order, whichever is earlier.

Rule is discharged.

October 5, 2000 (M.S. Shah, J.)
sundar/-